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Director of Central Intelligence

2 March 1949

Assistant Director, OCD

"Third Agency Rule" of 7 July 1941

1. The attached interdepartmental agreement was concluded on 7 July 1941, between State, Army, Navy, Treasury, Commerce, Agriculture, Maritime Commission, Office of Emergency Management, and Administrator for Export Control.

2. Gist of the agreement (see the marked paragraph on page 2) is that no agency shall disseminate material originated by a second agency to a third agency.

3. The National Security Act, as a public statute passed by Congress, of course supersedes the Third Agency Rule wherever it conflicts with it, and it specifically provides (in Section 102 (e)), that intelligence relating to the national security and possessed by departments and other agencies of the government shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination. (See Exhibit F.). There can be no question as to Congressional intent in the wording of the bill, for debate in the House brought forth the express fear that CIA might through this wording take over the files and thus exercise control over the FBI. (See Exhibit G.). Amendments therefore provided that FBI intelligence files should not be made directly available to CIA. SWNCC 252/9, concurred in by State, Army, Navy and Air, clearly stated that Section 102 (d) and (e) of the National Security Act created an exception, in the case of CIA, to the general rule that "classified information originating in another agency shall not be disseminated outside the receiving agency without the consent of the originating agency." (See Exhibit H.).

4. It is clear that the pre-war Third Agency Rule cannot legally be used as a pretext for refusing information to this Agency. Yet the Intelligence Group continually does so (See Exhibits C and D), and in consequence there are unending arguments and exchanges of memoranda on the subject, and much bad feeling.

5. Recommendation: It is believed this situation could be cleared up by a written instruction from the Director of Intelligence to all officers of the Intelligence Group, informing them that the old Third Agency Rule has no applicability to CIA, since the National Security Act provides that CIA shall have access to all national intelligence regardless of where it originates.

JAMES M. ANDREWS

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